

14230 U.S.PTO  
011604Please type a plus sign (+) inside this box → PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 130017-0001C1

First Inventor Bendrix L. Bailey

Title A PROGRAM-DEVELOPMENT ENVIRONMENT FOR USE IN  
GENERATING APPLICATION PROGRAMS

Express Mail Label No. EV 336 740 395 US

U.S. PTO  
173b2  
107759918  
011604**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 68]  
*(preferred arrangement set forth below)*  
 - Descriptive title of the Invention  
 - Cross References to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (*if filed*)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 25]
5. Oath or Declaration [Total Pages 2]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for a continuation/divisional with Box 18 completed)*  
 i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Mail Stop Patent Application  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
- a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper  
 c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other:

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP)

of prior application No: 09 / 483,123

Prior application information: Examiner Steelman, Mary J

Group / Art Unit: 2122

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS** Customer Number or Bar Code Label

PATENT TRADEMARK OFFICE

 Correspondence address below

|         |  |           |                |          |                    |
|---------|--|-----------|----------------|----------|--------------------|
| Name    | Stephen E. Kabakoff                          |           |                |          |                    |
| Address | Cesari and McKenna<br>88 Black Falcon Avenue |           |                |          |                    |
| City    | Boston                                       | State     | MA             | Zip Code | 02210              |
| Country | U. S. A.                                     | Telephone | (617) 951-2500 |          | Fax (617) 951-3927 |

|                   |                     |                                   |                       |
|-------------------|---------------------|-----------------------------------|-----------------------|
| Name (Print/Type) | Stephen E. Kabakoff | Registration No. (Attorney/Agent) | 51,276                |
| Signature         |                     |                                   | Date January 16, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,322

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | Not Yet Assigned  |
| Filing Date          | January 16, 2004  |
| First Named Inventor | Bendrix L. Bailey |
| Examiner Name        | Steelman, Mary J. |
| Group Art Unit       | 2122              |
| Attorney Docket No.  | 130017-0001C1     |

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money  Other  None  
 Deposit Account Order

Deposit Account Number 03-1237  
 Deposit Account Name Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)  
 Charge any deficiency or  
 Charge fee indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity      | Small Entity  | Fee Description        | Fee Paid |
|-------------------|---------------|------------------------|----------|
| Fee Code (\$)     | Fee Code (\$) |                        |          |
| 1001 750          | 2001 375      | Utility filing fee     | 770      |
| 1002 330          | 2002 165      | Design filing fee      |          |
| 1003 520          | 2003 260      | Plant filing fee       |          |
| 1004 750          | 2004 375      | Reissue filing fee     |          |
| 1005 160          | 2005 80       | Provisional filing fee |          |
| SUBTOTAL (1) (\$) |               | 770                    |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims | Fee from claims below | Fee Paid |
|--------------------|--------------|-----------------------|----------|
| Total Claims       | 22           | - 20** = 2 x 18 = 36  |          |
| Independent Claims | 9            | - 3** = 6 x 86 = 516  |          |
| Multiple Dependent |              |                       | 0        |

| Large Entity      | Small Entity  | Fee Description   |
|-------------------|---------------|---|
| Fee Code (\$)     | Fee Code (\$) |   |
| 1202 18           | 2202. 9       | Claims in excess of 20                                    |
| 1201 84           | 2201 42       | Independent claims in excess of 3                         |
| 1203 280          | 2203 140      | Multiple dependent claim, if not paid                     |
| 1204 84           | 2204 42       | **Reissue independent claims over original patent         |
| 1205 18           | 2205 9        | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) |               | 552   |

\*\*or number previously paid, if greater; For Reissues, see below

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$)                    | Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------------|---------------|--|----------|
| 1051 130                         | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50                          | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                         | 1053 130      | Non-English Specification  |          |
| 1812 2,520                       | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920                         | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840                       | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                         | 2251 55       | Extension for reply within first month                                     |          |
| 1252 410                         | 2252 205      | Extension for reply within second month                                    |          |
| 1253 930                         | 2253 465      | Extension for reply within third month                                     |          |
| 1254 1,450                       | 2254 725      | Extension for reply within fourth month                                    |          |
| 1255 1,970                       | 2255 985      | Extension for reply within fifth month                                     |          |
| 1401 320                         | 2401 160      | Notice of Appeal   |          |
| 1402 320                         | 2402 160      | Filing a brief in support of an appeal                                     |          |
| 1403 280                         | 2403 140      | Request for oral hearing   |          |
| 1451 1,510                       | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110                         | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,300                       | 2453 650      | Petition to revive - unintentional   |          |
| 1501 1,300                       | 2501 650      | Utility Issue fee (or reissue)   |          |
| 1502 470                         | 2502 235      | Design Issue fee   |          |
| 1503 630                         | 2503 315      | Plant Issue fee  |          |
| 1460 130                         | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50                          | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                         | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                          | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 750                         | 2809 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 750                         | 2810 375      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 750                         | 2801 375      | Request for Continued Examination (RCE)                                    |          |
| 1802 900                         | 1802 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify)              |               |  |          |
| Other fee (specify)              |               |  |          |
| Reduced by Basic Filing Fee Paid |               | SUBTOTAL (3) (\$)  | 0        |

## SUBMITTED BY

## Complete (if applicable)

|                   |                            |                                   |        |           |                  |
|-------------------|----------------------------|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Stephen E. Kabakoff        | Registration No. (Attorney/Agent) | 51,276 | Telephone | (617) 951-2500   |
| Signature         | <i>Stephen E. Kabakoff</i> |                                   |        | Date      | January 16, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 1100 Jefferson Davis Highway, P.O. Box 2220, Alexandria, VA 22313-2220. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

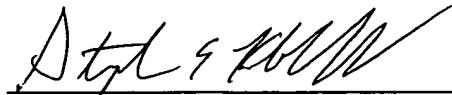
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |  |
|----------------------|--|
| First Named Inventor | Bendrix L. Bailey  |
| Title                | A PROGRAM-DEVELOPMENT ENVIRONMENT FOR USE IN GENERATING APPLICATION PROGRAMS |
| Atty Docket Number   | 130017-0001C1  |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 16, 2004

Date



Signature

Stephen E. Kabakoff, Reg. No 51,276

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of: )  
Bendrix L. Bailey )  
                          )  
Serial No.: Not Yet Assigned )      Examiner: Steelman, Mary J.  
                          )  
Filed: January 16, 2004      )      Art Unit: 2122  
                          )  
For: A PROGRAM-DEVELOPMENT )  
ENVIRONMENT FOR USE IN      )  
GENERATING APPLICATION      )  
PROGRAMS                  )

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
January 16, 2004

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EV 336 740 395 US

The following papers are being deposited with the United States Postal Service  
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

- |  |  |
|--|--|
| <u>X</u> Patent Application ( 68 pages including 22 claims ) |  |
| <u>X</u> Power of Attorney (copy from parent case)           | <u>X</u> Oath or Declaration (copy from parent case)   |
| <u>X</u> Fee Transmittal Letter                              | <u>X</u> Utility Patent Application Transmittal Letter |
| <u>X</u> Assignment With Recordation Form                    | <u>X</u> Formal Drawing ( 25 sheets )                  |
| Cover Sheet ( copy from parent case)                         |  |
| <u>X</u> Check for \$1,322.00                                | <u>X</u> Request for Non-Publication                   |
| <u>X</u> Preliminary Amendment                               |  |